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December 21, 2018

*Via ECF*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of the Kingdom of Saudi Arabia (“Saudi Arabia”), pursuant to ¶ III(d) of the Court’s Individual Practices in Civil Cases, concerning the opposition (“Opposition”) that Saudi Arabia is submitting today in response to the motion to compel filed by the Plaintiffs’ Executive Committees (“Plaintiffs”) on November 30, 2018.

Saudi Arabia’s Opposition refers to and discusses material that has been designated confidential either by Saudi Arabia or by other parties or third parties. This letter explains briefly what information Saudi Arabia proposes to seal or redact and why. Pursuant to the briefing schedule approved by this Court on December 20, 2018 (ECF No. 4293), Saudi Arabia will submit a fuller justification for keeping material from this motion sequence under seal, and for filing redacted versions of such material, on January 15, 2019.

**Saudi Arabia’s own confidential material**

For purposes of the present filing, Saudi Arabia is requesting that the following categories of material be kept under seal or redacted:

- Documents subject to the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. *See* ECF No. 4243, at 2-4.
- Documents that reflect pre-decisional deliberation and otherwise sensitive discussions between Saudi Arabia’s senior officials. *See id.* at 4.
- Documents that disclose the names of third-party individuals who are not subjects of discovery and are not implicated by Plaintiffs’ allegations. *See id.*

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- Personnel documents that disclose personally identifying information (such as Saudi identification numbers comparable to a Social Security number) or financial information about individuals. Saudi Arabia has also included educational records such as transcripts (but not degree certificates) in this category.
- Documents that show checking account numbers for an individual or organization.

A table follows stating briefly which of the above justifications apply to which exhibits.

<b>No.</b>	<b>Beginning Bates No.</b>	<b>Basis for sealing</b>
2	KSA 6667	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
3	KSA 589	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
4	KSA 6673	Vienna Convention (Embassy correspondence)
5	KSA 566	Sensitive communication involving senior government official
6	KSA 6810	Vienna Convention (Embassy papers)
7	KSA 6861	Confidential report produced as attachment to sensitive communication involving senior government officials
8	KSA 1349	Vienna Convention (Embassy and consular correspondence)
9	KSA 1375	Vienna Convention (consular papers)
10	KSA 1213	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
11	KSA 1223	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
12	KSA 1230	Vienna Convention (Embassy and consular correspondence)
13	KSA 1227	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
14	KSA 1557	Vienna Convention (Embassy papers); personal documents with personal financial information; documents disclosing personal information of third parties who are not subjects of discovery
15	KSA 2689	Discussion of third parties who are not subjects of discovery
16	KSA 1207	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
17	KSA 591	Vienna Convention (Embassy correspondence)

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<b>No.</b>	<b>Beginning Bates No.</b>	<b>Basis for sealing</b>
19	KSA 2802	Vienna Convention (Embassy papers)
20	KSA 2783	Vienna Convention (Embassy papers) (produced as attachment to Embassy correspondence)
23	KSA 6882	Passport copy
24	KSA 1620	Vienna Convention (Embassy papers); check copy with consular financial information
25	KSA 1624	Vienna Convention (Embassy papers); check copy with consular financial information
27	KSA 1274	Vienna Convention (Embassy correspondence); sensitive communication involving senior government official
28	KSA 1226	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
30	KSA 707	Memorandum of interview concerning employee with law enforcement personnel
31	KSA 1179	Vienna Convention (Embassy and consular correspondence)
32	KSA 2332	Passport copy
42	KSA 943	Personnel document with personal financial information
43	KSA 961	Personnel document with personal financial information; check copy
47	KSA 6796	Educational information (transcript)
49	KSA 908	Educational information (transcript)
60	KSA 6647	Vienna Convention (Embassy papers)
61	KSA 6661	Vienna Convention (Embassy papers)
62	KSA 6643	Vienna Convention (Embassy and consular correspondence)
63	KSA 1833	Vienna Convention (Cultural Mission papers); passport copy
64	KSA 6644	Vienna Convention (Embassy papers); passport copy
65	KSA 1180	Passport copy
66	KSA 6464	Records of individual travel disclosing personally identifying information

Saudi Arabia does not request that the following Exhibits be maintained under seal, is not proposing any redactions in connection with them, and will file them on the public docket once

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the Court has resolved disputes about the other Exhibits. Some Exhibits below were produced with a confidential designation that Saudi Arabia has withdrawn or is withdrawing.

Exhibit 1 (KSA 550)	Exhibit 38 (KSA 704)	Exhibit 52 (KSA 734)
Exhibit 18 (KSA 2768)	Exhibit 39 (KSA 872)	Exhibit 53 (KSA 735)
Exhibit 21 (KSA 584)	Exhibit 40 (KSA 895)	Exhibit 54 (KSA 736)
Exhibit 22 (KSA 2765)	Exhibit 41 (KSA 902)	Exhibit 55 (KSA 724)
Exhibit 26 (Al Turki Tr.)	Exhibit 44 (KSA 975)	Exhibit 56 (KSA 6801)
Exhibit 29 (KSA 1024)	Exhibit 45 (KSA 6794)	Exhibit 57 (KSA 739)
Exhibit 34 (KSA 710)	Exhibit 46 (KSA 6795)	Exhibit 58 (KSA 740)
Exhibit 35 (KSA 711)	Exhibit 48 (KSA 905)	Exhibit 59 (KSA 741)
Exhibit 36 (KSA 709)	Exhibit 50 (KSA 6660)	
Exhibit 37 (KSA 813)	Exhibit 51 (KSA 906)	

Saudi Arabia also presently intends to request that the following Exhibits to the Declaration of Steven Pounian, which are discussed in the Opposition,<sup>\*</sup> be maintained under seal. The proposed redactions for today's filing include redactions to prevent the disclosure of the contents of these Exhibits.

No.	Beginning Bates No.	Basis for sealing / redacting
15	KSA 1253	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
22	KSA 1277	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
25	KSA 605	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
30	KSA 1555	Vienna Convention (Embassy papers)
35	KSA 6667	Vienna Convention (Embassy correspondence); sensitive communication involving senior government officials
65	KSA 5769	Vienna Convention (Embassy papers)

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<sup>\*</sup> Saudi Arabia will likely request that other Exhibits to the Pounian Declaration be maintained under seal. The list in this letter is not exhaustive and is provided only to show the basis for the redactions requested today.

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### **FBI Protected Information**

Some parts of the Opposition discuss Protected Information under the Privacy Act Order and Protective Order for FBI Documents (ECF No. 4255). Accordingly, counsel for Saudi Arabia has met and conferred with the Department of Justice, which represents the FBI in this matter. Saudi Arabia has proposed redactions to the letter to prevent the disclosure of Protected Information, and the FBI has approved those proposed redactions.

### **Other Party and Third-Party Information**

The Opposition discusses Plaintiffs' Exhibit 20 and Saudi Arabia's Exhibit 26, which were designated Confidential under the MDL Protective Order (ECF No. 1900). The designating parties are Defendants Muslim World League ("MWL") and Abdullah Abdulmohsen Al Turki. Counsel for Saudi Arabia have met and conferred with counsel for the MWL and Al Turki, who do not request sealing or redaction of that material. No redactions are proposed for that material.

The Opposition discusses pages KFM 97 to KFM 101 of Plaintiffs' Exhibit 12, which were also designated Confidential under the MDL Protective Order. The designating party is the Islamic Foundation of Sheikh Ibn Taimmiyyah ("Foundation"). Counsel for Saudi Arabia have met and conferred with counsel for the Foundation, who do not request sealing or redaction of pages of KFM 97 to 101. No redactions are proposed for that material.

Immediately after the filing of this letter, counsel for Saudi Arabia will submit to chambers by electronic mail: (1) a copy of this letter; (2) a complete copy of Saudi Arabia's Opposition, with all proposed redactions shown in yellow highlighting; (3) clean copies of only those pages of Saudi Arabia's Opposition as to which any redaction is proposed; and (4) a copy of Saudi Arabia's supporting declaration, without exhibits. Saudi Arabia will send an electronic file transfer link with copies of the exhibits and will also send a DVD to chambers with copies of the exhibits. Counsel for Plaintiffs will be copied on the submission to chambers and on the electronic file link, and will receive identical DVDs with copies of the exhibits.

Saudi Arabia respectfully requests that the Court accept its filing and proposed redactions, subject to further briefing of the disputed confidentiality issues.

Respectfully submitted,

*/s/ Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: Chambers of the Honorable George B. Daniels (via facsimile)  
All MDL counsel of record (via ECF)